

SPEECH

OF

MR. WILLIAM F. COLCOCK,

OF SOUTH CAROLINA,

ON THE

CALIFORNIA QUESTION.

DELIVERED IN THE HOUSE OF REPRESENTATIVES, JUNE 3, 1850.

WASHINGTON:
PRINTED BY JNO. T. TOWERS.
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COLCOCK'S SPEECH

REPRODUCED BY THE STATE OF SOUTH CAROLINA, 1860

WASHINGTON

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DELIVERED IN THE HOUSE OF REPRESENTATIVES, JUNE 3, 1850.

The House being in Committee of the Whole on the state of the Union,
on the President's Message transmitting the Constitution of California,
Mr. COLCOCK said:

Although I am aware, Mr. Chairman, that the ear of the Committee has become greatly fatigued by the discussion of the questions which have been so long pending, yet I cannot forget that our work still lies before us unaccomplished, not only unaccomplished, but I fear greatly embarrassed by increased and increasing difficulties.

After five months spent in a debate which has extended over nearly every field of inquiry, and which has presented the subject in every aspect in which sound reasoning or ingenuity, passion or prejudice could place it, are we now any nearer to an agreement than we were at the commencement of the discussion? From all the lights before me I am compelled to say, we are not. Are we then to conclude that our differences are irreconcilable—that our scheme of government has failed, and that our Constitution cannot perpetuate that "more perfect union" which it was formed to establish? These, sir, are grave and solemn questions, which while they afford food for serious reflection to all, it would be presumptuous in any one hastily to answer affirmatively. But I feel it due to those whom I represent to say, that I see but little prospect of settling these distracting questions on any basis which, while it gives us peace for the present, will at the same time afford us permanent security for the future. To what quarter, sir, are we to turn for hope? where, I ask, are we to look with any reasonable expectation that this great controversy, which has so divided the country, will be settled as it ought to be? Not only do we find parties divided on this question, but sections also. Democrats are divided, Whigs are divided, the North is divided, and I lament to say, the South is divided. In this condition, then, of our public affairs, it becomes every one who is honored with the high trust of a Representative of the people, honestly to inquire what is demanded of him by his duty to his constituents, and to the Constitution of his country, and having faithfully answered this question to himself, then to discharge that duty unmoved by any outward pressure, and undeceived by any false coloring of popular opinion. For one I confess that I feel most sensibly the weight of the responsibility that rests upon

me—a responsibility such as I have never felt since I have been in public life, and never expect to feel again while I have a voice in the councils of my country; for who can expect to be an actor a second time in such eventful scenes as are now passing before us? There is no disguising the fact that we have reached a point in our progress which seems to demand “a fresh understanding of the bargain.” Our opinions are becoming so variant, our interests so antagonistic, our feelings so hostile, our views of the powers of our government so utterly opposed to each other—in short, all our differences are so wide and are becoming so much wider every day, that a most painful conviction is taking hold of the public mind everywhere that our Union itself is in danger.

The question, Mr. Chairman, most appropriately before us at this time is the admission of California. The House having ordered that the debate in Committee on this subject should be closed on Tuesday next, I desire to express my views on this most important measure, as I may not have an opportunity of doing so hereafter. The first thing that must strike the mind of every candid observer on this subject is the obscurity which rests upon the origin of those measures which have resulted in the present state of things in California.

At the commencement of the session it seemed to be distinctly announced, that from the evidence which would be laid before us, it would be shown that the initiative in these proceedings had been taken by the late administration. To me, sir, it would have been a matter of perfect indifference how the proof on this point should have turned out, for I would feel as free to condemn the policy of the past, as of the present administration in relation to this subject, if that policy did not meet my deliberate approval. On this question I know no party allegiance. I care not whether these measures originated with a Democratic or a Whig administration—with Mr. Polk or Gen. Taylor.

In alluding, Mr. Chairman, to the present distinguished head of the Government, I desire to be understood as being influenced by no unkind feeling towards him. I honor him for the services which he has rendered his country, and in speaking of his public conduct, I shall never depart from the strict rules of parliamentary courtesy. We have laws, sir, for the conduct of public war; we have laws for the conduct of private war. I sincerely wish we had laws for the conduct of political war, for if we had, we should be spared much of the “horrors” of that species of hostilities which we see daily exhibited around us. But the conduct of the Chief Magistrate is before the country, and I mistake the man, if he would shun any scrutiny into it, as I should mistake my own duty, if I withheld that scrutiny when demanded by the public interest.

I am aware that much has been said in the progress of this debate in relation to the ambidextrous course pursued by the present Executive in the last Presidential election. But I believe he only yielded to what I am sorry to say has now almost become a political necessity. I fear, sir, there is now no royal road to the Presidency—I mean that royalty which turns from and repels all subterfuge and disguise—but that the way which leads to that proud eminence passes through narrow defiles marked out only by the dubious twilight of some Delphic creed. I tell you, sir, we will never see hereafter an aspirant for the highest office in the gift of the people, who will come boldly forward and announce his

political opinions, without qualification or disguise, and I regard this as one of the most melancholy indications of the downward tendency of our government, and the declining tone of public sentiment. But let me return from this digression. Upon a careful examination of all the evidence that has been submitted to us, I am compelled to say, that I can see nothing in the instructions given to the agents of the late administration; or in the conduct of those agents themselves, which would justify the charge that the formation of a State Constitution, either with a view to the settlement of the slavery question, or as a concession to what may have been deemed the rights of the inhabitants of California, was ever contemplated or recommended by that administration. The first measure that appears to have been adopted after the ratification of the treaty of peace between the United States and Mexico, was the proclamation of Gen. Mason to the people of California, issued at Monterey, on the 7th day of August, 1848. In that proclamation, Gen. Mason uses the following emphatic language: "The Congress of the United States (*to whom alone the power belongs*) will soon confer upon the people of this country the constitutional rights of citizens of the United States; and no doubt in a few short months *we shall have a regularly organized territorial government.*"

Again, in his letter to the Adjutant General under date of the 19th of August, 1848, General Mason says, "For the past two years no civil government has existed here, save that controlled by the senior military or naval officer, and no civil officers exist in the country save the alcaides appointed or confirmed by myself. To throw off upon them or the people at large the civil management and control of the country would most probably lead to endless confusion, if not to absolute anarchy, *and yet what right or authority have I to exercise civil control in a time of peace in a territory of the United States.*"

The next official document emanating from the late administration is the letter of Mr. Buchanan of the 7th of October, 1848, to Mr. Vorhies, a special agent sent to California. In this letter Mr. Buchanan remarks, "The President deeply regrets that Congress did not at their last session establish a territorial government for California. * * * He is firmly convinced that Congress feels a deep interest in the welfare of California, and its people, and will at an early period of the next session provide for them *a territorial government* suited to their wants. * *

* * * The President urgently advises the people of California to live peaceably under the existing government." Similar language is used by Mr. Marcy in his letter to General Mason of the 9th of October, 1848. After referring to the views of the President in relation to the civil government of California as set forth in the letter of Mr. Buchanan to Mr. Vorhies, Mr. Marcy proceeds to say, "The government *de facto* will continue with the presumed consent of the people, until Congress, which has *full and exclusive power* under the constitution to organize governments for territories, shall provide a government for them. * * * No doubt upon such assurances the people will remain quiet under the existing state of things, until the proper authority shall have time to interpose, and provide them with a new civil organization, securing to them the advantages of a liberal *territorial government.*"

Such, Mr. Chairman, is all the evidence which has been furnished us in relation to the course pursued by the late administration respecting the establishment of a government in California. And I appeal with confidence to the candid judgment of every man, whether any thing can be extorted from this evidence, to show that the administration of Mr. Polk is in any degree responsible for the recent extraordinary proceedings which have taken place in that Territory.

General Mason asks emphatically, "What right or authority have I to exercise civil control in a time of peace in a Territory of the United States." Mr. Polk in his last official communication to them, urgently advises the people of California to live peaceably and quietly under the existing government. The Secretary of War, Mr. Marcy, acknowledges that Congress alone "*has full and exclusive power* under the Constitution, to organize governments for Territories." As the last administration then must be acquitted of all responsibility on this subject, let us now proceed to inquire how the present administration stands in relation to it. And here we are met, at the very threshold of the inquiry, by the distinct acknowledgment of the President in his California message, in this remarkable language:

"I did not hesitate to express to the people of those Territories my desire that each Territory should, if prepared to comply with the requisitions of the Constitution of the United States, form a plan of a State Constitution, and submit the same to Congress, with a prayer for admission into the Union as a State."

He further says :

"In advising an early application by the people of these Territories for admission as States, I was actuated principally by an earnest desire to afford to the wisdom and patriotism of Congress, the opportunity of avoiding occasions of bitter and angry discussions among the people of the United States."

Now, sir, I must be permitted to say, that if ever there was an occasion on which the Chief Magistrate of this Confederacy ought to have "hesitated," this was such an occasion. Knowing as he did, that a great question was then pending, involving the vital interests of one section of this Confederacy, ought he not to have "hesitated" before advising a course which, with the evidence before him, he must have known would result in the utter exclusion of that section from all participation in the fruits of a common victory? Whilst he did not "hesitate" to advise so important a measure as a State Government, ought he not to have gone one step further and have advised the people of California not to extend their boundaries below the line, $36^{\circ} 30'$? Ought he not to have "expressed to them his desire" that they should leave open this door of reconciliation through which the people of this Confederacy had once before passed? Would not such a recommendation as this have shown at least, a decent respect for the rights and feelings of one portion of his fellow-citizens? And yet the President says he was "actuated principally by an earnest desire to afford to the wisdom and patriotism of Congress, the opportunity of avoiding bitter and angry discussions." Sir, is it any thing but cruel and bitter mockery to make such an appeal to the "wisdom and patriotism" of Southern men? What my wisdom may be, it does not become me to say. Wisdom is a jewel of rare possession, but patriotism is more equally distributed—and I may be permitted, without overstepping a becoming modesty, to claim my share of

this homely virtue. I ask, then, does my duty, as a patriot, require me to give up *all* the rights of my constituents? Why, sir, the injunction of the divine command itself, requires me to love my neighbor only *as myself, not more*. Shall I surrender all, then, to others, and retain nothing for myself? Shall I become the willing instrument of my own degradation, and consent, *as a patriot*, to be expelled from the common territory of my country, as unworthy to dwell therein, because I am a slaveholder? No, sir! I yield to no such appeal—I acknowledge no such obligation. May I not be permitted to reverse our positions, and respectfully appeal to “the wisdom and patriotism” of the President, to come forward and settle this disturbing question on terms of justice and equality to all. But he has thought proper to yield to other counsels, and what, let me ask, have been the consequences of the course pursued by the administration? Has it brought peace and harmony to our councils, or has it not rather widened our differences and increased our difficulties? Is not this whole Confederacy, from the Arostook to the Rio Grande, now convulsed with agitation, and our Government brought to the very verge of dissolution?

But it is said that the question of slavery was left exclusively to the people of the territory, and that neither the administration nor its agents interfered with the subject. Although the disclaimers on this point have been very emphatic, I regret to say the evidence does not sustain them to my satisfaction. Two things are true beyond all controversy; first, that the President advised the formation of a State Government; and secondly, that the people of California adopted this form in preference to a territorial government *expressly with a view to the exclusion of slavery*.

In his letter to the Adjutant General of June, 1849, General Riley, after referring to the convention which was about to assemble under his proclamation, uses this significant language:

“A few prefer a territorial government, but I think a majority will be in favor of a State organization, *so as to avoid all further difficulties respecting the question of slavery*. This question will probably be submitted, together with the Constitution, to a direct vote of the people, in order that the wishes of the people of California may be clearly and fully expressed. *Of course*, the Constitution or plan of territorial government formed by this convention can have no legal force until approved by Congress.”

Here we see the announcement distinctly made that a State organization was to be adopted in order to “avoid the question of slavery.” This was evidently a leading idea in the mind of General Riley, and every step taken by him, from the issuing of his proclamation to the surrender of his executive authority, goes to make out a strong case of complicity against him, for which the administration is justly responsible, as his conduct has never been disavowed. And here let us inquire by what authority General Riley presumed to call this Convention. In his letter to the Adjutant General, just referred to, he says:

“On the 1st instant I received reliable information by the steamer Edith, that Congress had adjourned without organizing any Territorial Government for this country, and *accordingly*, on the 3d instant, I issued *my* proclamation to the people of California defining what was understood to be the legal position of affairs here, and pointing out the course it was deemed advisable to pursue in order to procure a new political organization, better adapted to the character and present condition of the country. The course indicated in my proclamation will be adopted by the people almost unanimously, and there is now little or no doubt that the Convention will meet on the 1st of September next, and form a State Constitution to be submitted to Congress in the early part of the coming session.”

We now come to this celebrated proclamation, and I venture to say a more remarkable document never emanated from any source whatever. He commences by announcing that as Congress had "*failed* to provide a new government for this country," he would call attention to the means which "he deems best calculated to avoid" the embarrassments of their present position. He then states that he had assumed the administration of civil affairs in California under the instructions of the Secretary of War, "not as a *military* governor," but as the "executive of the existing civil government," and proceeds to say :

"In the absence of a properly appointed civil governor, the commanding officer of the department is by the *laws of California* ex officio, civil governor of the country. * * * * The military government ended with the war, and what remains is the *civil* government by the *existing laws of California*."

Having thus shown the source of his authority, General Riley then makes this most imperial announcement :

"As Congress has failed to organize a new territorial government, it becomes our imperative duty to take some active measures to provide for the existing wants of the country. This it is thought may be best accomplished by putting in full vigor the administration of the laws as they now exist, and completing the organization of the civil government by the election and appointment of all officers recognized by law ; *while at the same time a convention in which all parts of the territory are represented shall meet and frame a State constitution or a territorial organization to be submitted to the people for their ratification and then proposed to Congress for its approval.* * * * * In order to complete the organization with the least possible delay, the undersigned, *in virtue of the power in him vested does hereby appoint the 1st of August next, as the day for holding a special election for delegates to a general convention, and for filling the offices of judges, prefects, alcaldes,*" &c.

Now I ask, Mr. Chairman, where in the whole history of our government can a parallel be found for such an act of flagrant usurpation as this ? Where does the Executive or his agents find authority to supply omissions in our legislation and to "provide new governments" for our territories when Congress has "failed" to do so. I had always supposed that the chief duty of the Executive was to "take care that the laws be faithfully executed," and I am yet to learn that *he* is in any wise responsible for *our* sins of omission. Once sanction such a doctrine, and allow the President to do what Congress has "failed" to do, and you change the whole structure of our government, and if it does not become a monarchy, it ceases at least to be a republic. I deny, sir, that on this occasion the conduct of General Riley was justified on the plea of an overruling necessity. His proclamation was issued on the 3d of June, and the election ordered for the 1st of August. Congress was about to assemble in a few months afterwards, and General Riley himself expressly says :

"Considerable time must necessarily elapse before any new government can be legitimately organized and put in operation—in the interim the existing government, *if its organization be completed, will be found sufficient for all our temporary wants.*"

California, therefore, would have had to wait but a few short months before a Congress, composed of representatives fresh from the people, would convene. No one I presume will have the hardihood to meet this view of the case by saying that as Congress had once already "failed" to provide a government for that territory, it would "fail" again to do so, and therefore it was right and proper that Brigadier General Riley should assume the whole control of the subject.

For one I entertain the opinion that this Congress, if sustained by the "wisdom and patriotism" of the President, would probably have "abstained from the introduction of those exciting topics of a sectional character which have hitherto produced painful apprehensions in the public mind," and in this spirit would have provided a territorial government for California by which "all causes of uneasiness may have been avoided, and confidence and kind feeling preserved."

You are aware, Mr. Chairman, that one of the most important questions which has arisen in the course of this discussion is that which relates to the existence and operation of the Mexican laws in our newly acquired territories. The differences of opinion in relation to this question have now become narrowed down to what are termed the *municipal* laws of Mexico; for all parties are agreed, that the *political* laws of that country have been abrogated in those territories by our conquest and acquisition. And yet, sir, General Riley, in utter disregard of this well settled principle, has undertaken to put those political laws in operation, by assuming that in the absence of a properly appointed civil governor the commanding officer of the department is, by the *laws of California, ex officio* civil governor of the country.

Having laid down this legal position as the source of his authority, he proclaims, that "*in virtue of the power in him vested*," he appoints the 1st of August as the day for "*holding a special election for delegates to a General Convention*," and for filling certain civil offices. Now, however willing we may be to concede that the civil governor of California may have the power, under the laws of Mexico, to fill the offices of judges, prefects, and alcaldes, yet I ask what apology can be made for the gross insult which is offered to our understandings, when we are told that the civil governor of California, "*in virtue of the power in him vested*," has the right to call a Convention of the people of that Territory to form a State Constitution, with a view to admission into the American Union? Sir, this only shows that when lawless power is bent on the accomplishment of its ends, it overleaps all the barriers of reason, of justice, and of law.

But usurpation was not to stop here. Acting in the first instance on the honest convictions of his own judgment, Gen. Riley says, with unaffected candor, in his letter to the Adjutant General, of the 30th of June, 1849: "*Of course, the Constitution or plan of Territorial Government formed by this Convention can have no legal force until approved by Congress*," and yet no sooner is the Constitution formed, than he surrenders his authority as civil governor into the hands of the new Executive, and the whole machinery of a State Government is forthwith put into operation, and two Senators and two Representatives elected to represent the so-called "State" of California. At the very moment Gen. Riley is about to make this surrender, he says, (in his letter of the 1st of October,) "*I have strong doubts of the legality of such a measure under the decision of the Supreme Court of the United States*," and what is the response of the Secretary of War to the expression of so grave a doubt? He simply says:

"As the arrangement contemplated by you may have already been made, any instructions from his Department contrary to your views on the subject might militate against the peace and quiet of this community, and be productive of evil."

But why, Mr. Chairman, should I attempt to dwell any further upon these extraordinary proceedings? Whilst the force of our objections cannot be denied, we are always met by this stereotyped reply—"these are mere irregularities;" and this modest phrase is to cover up this unexampled procedure, by which the whole South is to be forever expelled from any participation in the rich treasures of this modern Ophir. I do not know what gentlemen mean by "irregularities," but for my own part I consider every irregularity as a violation of some *rule* of justice, or of law.

At one time it was said that California must come in "with suitable boundaries;" but that time has passed by, and now no one of her advocates talks of any other boundaries than those prescribed by herself. The watchword now is, "California *must* come into the Union!" Yes, sir, by her own specific gravity, if I may be allowed the expression, she is to weigh down all objections to her admission—force her way through all barriers—and overcome all resistance. Let us remember that the precedent of to-day becomes law to-morrow; and with the California precedent before us, I am sure we will never be at a loss hereafter for a justification for any usurpations however monstrous or destructive. This precedent will be wide enough to cover any thing within the dreams of power. And here I must remind gentlemen, that if California can assume the right to *come into* this Union, any other State may assume the right peaceably to *go out* of it.

The boundary that California claims, comes down as low as $32\frac{1}{2}^{\circ}$. This line, if extended, would run in the vicinity of Marshall, in Texas, Monroe in Louisiana, Clinton in Mississippi, Montgomery in Alabama, Macon in Georgia, and Charleston in South Carolina. Thus you see that, commencing at 49° , the South has been driven back in one direction, as low as 32° . Already has the threatened cordon been extended nearly around us, and the North, the East, and the West, are to be closed forever against us.

Among other authorities which have been quoted by the friends of California to justify her proceedings, the opinions of the late distinguished Senator from my own State, (Mr. Calhoun,) have been frequently cited. Whilst I admit, Mr. Chairman, it is very natural that the authority of so great a name should be invoked in support of any political question, still I must be permitted to say that it is a gross perversion of his doctrines to apply them in aid of any such usurpations as have been practised in California. The position of that distinguished Senator was this:

"The sovereignty over the Territories is vested in the United States; that is, in the several States composing the Union, and the power of legislating over them is expressly vested in Congress. That from the commencement of the Government until the time that Michigan was admitted, the practice was uniform. Territorial Governments were first organized by Congress; the Government of the United States appointed the Governors, Judges, Secretaries, Marshals, and other officers, and the inhabitants of the Territory were represented by legislative bodies, whose acts were subject to the revision of Congress. This state of things continued until the government of a Territory applied to Congress to permit its inhabitants to form a constitution and government preparatory to admission into the Union. The preliminary act to giving permission, was to ascertain whether the inhabitants were sufficiently numerous to authorize them to be formed into a State. This was done by taking a census. That being done, and the number proving sufficient, permission was granted. The act granting it, fixed all the preliminaries—the time and place of holding the convention, the qualification of voters, establishment of its boundaries, and all other matters necessary to be settled previous to admission. The act giving permission, necessa-

rily *withdraws the sovereignty of the United States*, and leaves the inhabitants of the incipient State as free to form their constitution and government, as were the original States of the Union after they had declared their independence. . At this stage, the inhabitants of the Territory *became for the first time a PEOPLE*, in legal and constitutional language. Prior to this, they were by the old acts of Congress, called inhabitants, and not people. All this is perfectly consistent with the sovereignty of the United States, with the powers of Congress, and the right of a people to self-government."

Such were the views of Mr. Calhoun as expressed by himself, in his last speech delivered in the Senate of the United States. And I ask, Mr. Chairman, if even this brief statement of his political opinions on this subject should not silence forever all those who pretend to use his authority in support of this new-fangled interpretation of the "right of self-government," of which we have heard so much recently?

Much has been said in the course of this debate, in regard to the character of the inhabitants of California. Whilst I am not disposed to cast any reflections on them, still I cannot respond to any appeal which is made to my sympathy in their behalf. Unlike the hardy pioneers who remove with their families to the wilderness, and by their toil subdue the earth to their dominion, and build up homes and rear domestic altars around them, the population of California is composed of adventurers from all quarters of the globe; a large proportion of whom have no intention of remaining permanently in the country. The search after gold alone has carried them there, and as soon as fortunes are amassed their possessors return. But we are told that the South should not complain of her exclusion from California, because slave labor could not be profitably employed there. Sir, for one I do not believe this. I do not see why slaves could not be carried to a climate where the thermometer, as we are informed, seldom falls below 50° and sometimes rises to 115° in the shade. And I have yet to learn that the business of mining, and its attendant hardships and exposure, is unsuited to the slave.

I confess, Mr. Chairman, that the present Chief Magistrate is the last functionary from whom I should have anticipated the policy which has been pursued in relation to California. I understood him distinctly to announce, on assuming his high station, that non-interference with the legislative branch of the government would be the cardinal rule of his conduct. Such seems to have been the understanding of his friends, also; for on a late occasion I find the distinguished Senator from Kentucky, (Mr. CLAY,) whilst lamenting the President's "persistance" in his own "plan" of adjustment, uses the following significant language:

"I think that in a spirit of peace and concord, and of mutual confidence and co-operation, which ought to animate the different departments of the Government, the President, entertaining that constitutional deference to the wisdom of Congress which he has professed, and abstaining, as he has declared he would abstain, from any interference with its free deliberations, ought, without any dissatisfaction, to permit us to consider what is best for the common country."—*Union*, 26th May.

Now, sir, adopting this language of that eminent statesman, let me apply it to the course which the Executive has pursued in relation to California. Abstaining from all interference with the functions of the legislative branch of the government as he was pledged to do, he ought to have left it to the wisdom of Congress to decide all questions relating to the establishment of a government in that Territory.

Surely, this above all others was a subject belonging exclusively to the legislative department. I will venture to say that there can be found nowhere a parallel to the course of the administration in this instance.

But I perceive, Mr. Chairman, that my brief hour is nearly consumed, and your inexorable hammer must soon fall. I have dwelt thus long upon the subject of California, because I regard her admission as the most vitally important of all the questions before us. In it is involved most momentous issues, and every effort which has been taken in excluding the South from this magnificent domain, from the very commencement down to the present moment, is neither more nor less than a series of usurpations, unjustified by necessity, unsustained by precedent, and unsanctioned by law.

I was prepared and desirous to express my views on several other questions which have been brought into this discussion, but time will not permit, and I must devote my few remaining moments to a subject which is now the theme of universal interest, I mean the proposed "compromise," as it is called.

Whilst I am prepared, Mr. Chairman, to say for myself and my constituents, that we are sincerely desirous of a permanent and constitutional adjustment of our differences; yet I wish it to be understood, that I hold no commission to negotiate a hollow truce, or to patch up a delusive peace. On all sides we are told that the country needs repose. I admit it. But by repose I do not mean the fevered rest of a mere narcotic slumber, but that repose which, like the refreshing sleep that visits the wearied man, quiets the nerves, restores the circulation, invigorates the whole frame, and gives enjoyment to life.

Before I speak of the compromise, let me ask what is the obstacle that stands in the way of our reconciliation. The answer is brief—your war against slavery. If the Constitution has failed to arrest this war, can a compromise effect it? Can I lay my hand upon my heart and say to my constituents, that I believe a returning sense of justice has taken hold of the public mind at the North—that our rights will be respected, our property protected, our equality acknowledged. No, sir, I have seen nothing since I have taken my seat on this floor to warrant any such declarations. On the contrary I solemnly believe, that the tide of opposition is daily rising, and that each successive wave breaks nearer to our feet. The anti-slavery feeling is hourly increasing, and the purpose to restrict the institution within its present limits, and ultimately to abolish it, is openly avowed. Our adversaries tell us, that the institution of slavery is a curse—that they have a mission from on high to extirpate it as a moral, social, and political evil. They claim to convert this Government into an ecclesiastical tribunal, and to sit in judgment on our morals, and control our consciences. They deny us the protection of the bible, and when we claim the protection of the Constitution they repudiate its authority, and appeal to a law higher than that sacred instrument. And thus rejecting all our appeals they sacrilegiously usurp the judgment seat of the Deity himself—

"Snatch from his hand the balance and the rod,
Rejudge his justice, are the God of God."

True it is, we are gravely, shall I not say, insultingly told, that they do not claim the right to interfere with slavery within the limits of the

States. But is it no interference within the limits of the States to denounce the institution of slavery itself, to hold up our manners, our morals, our customs and our laws to public reprobation—to spread discontent among our slaves and weaken our authority as masters—to draw distinctions between our citizens, and with fiendish malignity to set the non-slaveholder against the slaveholder, and finally to call upon us, ourselves, by all the obligations of religion, of justice, and of law, immediately to emancipate our slaves, and to clear our skirts of this polluted institution. And here let me say, in passing, that this attempt to create hostile relations between our citizens is as wicked as it is futile, for I tell you that if it should ever become necessary to defend our rights by arms, there is no portion of our people who will be found more ready and more resolved to obey the call, than the non-slaveholders of our community. They understand this question well. They know that the liberation of the slave will bring neither honor nor profit to them. They never will consent to elevate the negro to an equality with themselves; and thus whilst they reject your sympathies, they know and despise your purpose. This sir, is a *white man's* government—founded by white men, as they have expressly declared, “to secure to themselves and their posterity the blessings of liberty,” and all history attests that no son of Ham ever shook a sceptre over the head of Japeth.

But to proceed: If our assailants really believe all that they say of slavery, how easy is it for them to assert that it is an *anti-republican* institution, and if it be so, then that they have the right under the constitution to refuse admission to any more slave States hereafter into the Union. I leave it to others to carry out the commentary on this suggestion.

Having thus stated briefly the views and purposes of our adversaries, let me refer to our own. We deny that slavery is an evil, or a curse and we appeal to the condition of our country to prove our assertion. From whom must the curse proceed? Must it not come from God alone, and yet I ask, what portion of the habitable globe holds a more interesting relation to the rest of the world than the slaveholding States of this confederacy? Is not one of the most powerful nations in the world actually dependent on us, and would not the failure of a single crop of our great staple, bring incalculable suffering and distress, if not revolution, in its train? Can any people live more independently of others than we can? Can it be then that God has cursed a people and a land like this? Never, never! And whilst we do not claim to be the objects of his peculiar favor, yet we feel that we have abundant cause for gratitude to Him, for as much prosperity and happiness as any other people.

Again: We contend that this Government was founded by slaveholders, that slavery was recognized, extended, and guarantied by our Constitution—that we have improved and elevated the condition of our slaves, and their emancipation having become a physical, social, and political impossibility, we intend to hold them in servitude, and leave the future to be controlled by that power who, we believe, governs the world in wisdom and in justice.

Such is our relative position; and we are approaching every day nearer to the solution of the question, whether slaveholding and non-slaveholding States can live together in contiguity under the same Go-

vernment. Whilst a minority may safely trust those interests which are common to all, to the protection of a majority, how, I ask, can they trust to them the protection of a sectional institution which that majority, according to their own declarations, are bound, by every obligation both human and divine, to overturn and destroy.

Mr. Chairman, a very sensible writer, has remarked, that "the single principle into which all the conceivable causes of human contention resolve themselves is, that of *intercourse without sympathy* ; and what then shall we expect when audacious strength is made immediately contiguous to haughty imbecility?" Are we not, sir, adding another illustration to the force of this melancholy truth.

Having thus briefly alluded to our differences, and to the obstacles which lie in the way of their adjustment, let me now inquire, what is the "compromise" which is offered to heal our dissensions, establish our rights, acknowledge our equality, and give permanent peace and repose to the country. In every compromise which is entered into in good faith mutual and substantial concessions must always be made, and bear some fair proportion to each other. Let us apply this plain and just rule to the compromise now under consideration. To illustrate my views, and economize the few moments which are left me, I will state them in this form : Suppose the compromise adopted, and we return to our respective constituents, and are asked, What has been received, and what has been conceded by it? The Representatives from the North may answer thus : First. We have gained California. That vast empire, with all its riches and its power, has been added to our portion of the Confederacy. The South has been forever excluded from that domain, and no slaveholder shall ever dwell hereafter on the shores of the Pacific. Although we failed on a former occasion to obtain the aid of the *legislative* department of the Government to apply the Wilmot Proviso to California, yet now by the aid of the *executive* department, we have triumphed on this question, and the Proviso stands vindicated and maintained. California, then, is ours ; the contract has been executed, the deed has been signed, sealed and delivered.

Secondly : Texas, "vast illimitable Texas," has been dismembered! Not only the *disputed* territory, but a large portion of that which is *undisputed*, is to be annexed to New Mexico, and must inevitably become free-soil. This, to us, is a signal triumph, and whatever pecuniary compensation has been paid for it, is but dust in the balance. Texas claims to extend her boundary to 42° north latitude. We have reduced her to a line running from 34°, (obliquely,) down to 32° ! Thus a second time have we crossed the Missouri compromise line and driven back the South far below that point. This, too, "is a fact accomplished," placed beyond the reach of future contingencies. In the third place, we have abolished the slave trade in the District of Columbia. That property in which the wealth of the whole South consists, shall never again be sold within the limits of a territory which belongs to all in common. For this measure we have been struggling for many years, and although our demands have now risen much higher, and we require that slavery itself should be abolished within the limits of the District, still we must not underrate the value of this concession. It is a step forward. We have

brought the Government into alliance with us, the outer works being carried, we may soon hope to carry the citadel itself.

In the fourth place, we have imposed new and more restrictive terms on the slaveholders in relation to the recapture of their fugitive slaves. We have given them no law to *prevent* the evil of which they complain—the *abduction* of their slaves. We have promised them no aid on our part, no indemnity for their losses, no “guards for their future security.” We have compelled the slaveholder formally to bind himself to implead his runaway slave, who has rebelled against his authority and defied his power, and this too, in the courts of his own State, in the hearing and in the presence of his own acknowledged slaves. So may speak the Northern Representatives.

Let us now turn and inquire what will be response of the Southern Representatives. In the first place, they will say, we have obtained a construction in the report of the committee, (mark you, in the *report*, not in the *bill*,) that the Texas annexation resolutions *mean* what they *say*. But as this is no act of legislation, grants nothing, but is the mere expression of the opinion of a respectable committee, it is without authority and without value. It binds no one, and a different construction may at any time hereafter be given, and from the increasing hostility to our institutions, we may entertain a well grounded expectation that the present construction will soon be repudiated.

In the second place, it has been conceded to us that, as there is “no occasion,” in respect to the Territories of Utah and New Mexico, for the passage of the Wilmot Proviso, territorial governments shall be established for them, and their legislatures shall be inhibited from passing any law “respecting African slavery.” This constitutes the great concession to the South! This is the settlement of the great question of the constitutional power of Congress to exclude slaveholders from the common territory of the United States! This is the acknowledgment of our equality, the security to our property, the recognition of our rights!

Such, I will suppose, Mr. Chairman, would be the answers which may fairly be given by the Representatives of the North and of the South to their constituents. And now, let me ask, what does the South gain by this compromise? What is the present, substantial concession made to her, in exchange for the present substantial concession made by her to the North? What, if I may be pardoned the homely phrase, has the South received “in hand?” What has she to show as her acquisitions under this compromise?

That which is conceded to the North is *performed*; the little that is conceded to the South is *promised* only. Her rights are left in doubt. Mexican laws are said, by high authority, to exclude her as effectually as the Wilmot proviso. Justice would require a fair and equal division of all our territory, if we cannot consent to enjoy it together. But no; expelled from California by positive law, we are not permitted to go into Utah or New Mexico, without having our rights disputed and our property exposed.

When we look around us, and behold the vast domains which have been acquired from Mexico, by an equal contribution of Southern blood and Southern treasure, and ask ourselves what portion of it is ours, the

answer stares us in the face—*not an acre*. And this is the compromise which is to terminate the war against slavery, and all agitation, and bring repose to this distracted country.

For one, I repudiate and reject it. Weak already, I feel that we should become weaker. If the Constitution cannot protect us, no compromise can. If it be true, that "the world is in arms" against us, then now is the time, above all others, when we should be firm, united, and resolved. No people ever had a higher duty to perform than we have. I know our adversaries calculate upon our divisions, but they are deceived. An inexorable law binds us together, and however we may differ for a time on questions of minor importance, we must be united on the ultimate question of *self-preservation*. We never will consent that this Government shall destroy our property, and degrade us from our equality. Come what may, we must resist this pretension, whatever form it may assume. If you are resolved to make this a question of subjugation or separation, we will not hesitate which to choose; and if our Union shall be dissolved, upon you, and not upon us, must rest the responsibility.